



IFW 37138

**AMENDMENT TRANSMITTAL**

**PATENT**

Application No.: 10/089,762  
Filing Date: July 22, 2002  
First Named Inventor: Nicholas Luke Bennett  
Examiner's Name: Binh An Duc Nguyen  
Art Unit: 3713  
Attorney Docket No.: 007051.P013

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☐ Preliminary Amendment
- ☒ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☒ Petition for Extension of Time
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☐ Other: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_
- ☒ Check(s)
- ☒ Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
TYPED OR PRINTED NAME: Stephen M. De Klerk

SIGNATURE: \_\_\_\_\_

REG. NO.: 46,503

DATE: September 20, 2005

ADDRESS: 12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025

TELEPHONE NO.: (408) 720-8300

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

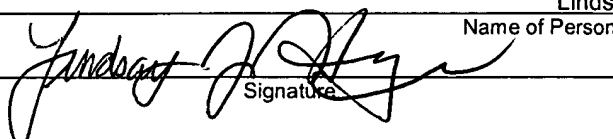
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia, 22313-1450 on:

September 20, 2005

Date of Deposit

Lindsay J Heyen

Name of Person Mailing Correspondence

  
Signature

9/20/2005  
Date

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** 850

Complete if Known:

Application No. 10/089,762  
Filing Date July 22, 2002  
First Named Inventor Nicholas Luke Bennett  
Examiner Name Binh An Duc Nguyen  
Art Unit 3713  
Attorney Docket No. 007051.P013

       Applicant claims small entity status. See 37 CFR 1.27.**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)☒ Deposit AccountDeposit Account Number : 02-2666Deposit Account Name:                     ☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Large Entity             |          | Small Entity |          | Fee Description                    |           | Fees Paid (\$) |
|--------------------------|----------|--------------|----------|------------------------------------|-----------|----------------|
| Fee Code                 | Fee (\$) | Fee Code     | Fee (\$) |                                    |           |                |
| 1011                     | 300      | 2011         | 150      | Utility application filing fee     | 1,000/500 | _____          |
| 1111                     | 500      | 2111         | 250      | Utility search fee                 |           | _____          |
| 1311                     | 200      | 2311         | 100      | Utility examination fee            |           | _____          |
| 1012                     | 200      | 2012         | 100      | Design application filing fee      | 430/215   | _____          |
| 1112                     | 100      | 2112         | 50       | Design search fee                  |           | _____          |
| 1312                     | 130      | 2312         | 65       | Design examination fee             |           | _____          |
| 1013                     | 200      | 2013         | 100      | Plant filing fee                   | 660/330   | _____          |
| 1113                     | 300      | 2113         | 150      | Plant search fee                   |           | _____          |
| 1313                     | 160      | 2313         | 80       | Plant examination fee              |           | _____          |
| 1004                     | 300      | 2004         | 150      | Reissue filing fee                 | 1,400/700 | _____          |
| 1114                     | 500      | 2114         | 250      | Reissue search fee                 |           | _____          |
| 1314                     | 600      | 2314         | 300      | Reissue examination fee            |           | _____          |
| 1005                     | 200      | 2005         | 100      | Provisional application filing fee |           | _____          |
| SUBTOTAL (1) \$ <u>0</u> |          |              |          |                                    |           |                |

**2. EXCESS CLAIM FEES**

|   | <u>Extra Claims</u> | <u>Fee from below</u> | <u>Fees Paid (\$)</u> |
|---|---------------------|-----------------------|-----------------------|
| Total Claims <u>96</u> - <u>88/HP</u> = <u>8</u>                      |                     | X <u>\$50.00</u>      | = <u>\$400</u>        |
| HP = highest number of total claims paid for, if greater than 20      |                     |                       |                       |
| Independent Claims <u>3</u> - <u>3/HP</u> = <u>0</u>                  |                     | X <u>\$200.00</u>     | = <u>\$0</u>          |
| HP = highest number of independent claims paid for, if greater than 3 |                     |                       |                       |
| Multiple Dependent Claims   |                     |                       | =                     |

| <u>Large Entity</u> |      | <u>Small Entity</u> |      |  |
|---------------------|------|---------------------|------|--|
| Fee                 | Fee  | Fee                 | Fee  |  |
| Code                | (\$) | Code                | (\$) | <u>Fee Description</u>   |
| 1202                | 50   | 2202                | 25   | Each claim over 20   |
| 1201                | 200  | 2201                | 100  | Each independent claim over 3                                    |
| 1203                | 360  | 2203                | 180  | Multiple dependent claims, if not paid                           |
| 1204                | 200  | 2204                | 100  | Reissue: each claim over 20 and more than in the original patent |
| 1205                | 50   | 2205                | 25   | Reissue: each independent claim more than in the original patent |

SUBTOTAL (2) \$ \$400**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each add'l<br/>50 or fraction thereof</u> | <u>Fee from below</u> | <u>Fees paid (\$)</u> |
|---------------------|---------------------|--|-----------------------|-----------------------|
| <u>N/A</u>          | - 100 =             | / 50 =   | X <u>\$250.00</u>     |                       |
|                     |                     | (round up to whole number)                             |                       |                       |

| <u>Large Entity</u> |      | <u>Small Entity</u> |      |  |
|---------------------|------|---------------------|------|--|
| Fee                 | Fee  | Fee                 | Fee  |  |
| Code                | (\$) | Code                | (\$) | <u>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec &amp; drawings except sequences &amp; program listings):</u> |
| 1081                | 250  | 2081                | 125  | Utility  |
| 1082                | 250  | 2082                | 125  | Design   |
| 1083                | 250  | 2083                | 125  | Plant  |
| 1084                | 250  | 2084                | 125  | Reissue  |

SUBTOTAL (3) \$ 0

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

**Fees Paid (\$)**

| <u>Large Entity</u> |          | <u>Small Entity</u> |          | <u>Fee Description</u>   |       |
|---------------------|----------|---------------------|----------|--|-------|
| Code                | Fee (\$) | Code                | Fee (\$) |  |       |
| 1051                | 130      | 2051                | 65       | Surcharge - late filing fee or oath  |       |
| 1052                | 50       | 2052                | 25       | Surcharge - late provisional filing fee or cover sheet                     |       |
| 1053                | 130      | 1053                | 130      | Non-English specification  |       |
| 1812                | 2,520    | 1812                | 2,520    | For filing a request for ex parte reexamination                            |       |
| 1813                | 8,800    | 1813                | 8,800    | Request for inter parties reexamination                                    |       |
| 1804                | 920*     | 1804                | 920*     | Requesting publication of SIR prior to Examiner action                     |       |
| 1805                | 1,840*   | 1805                | 1,840*   | Requesting publication of SIR after Examiner action                        |       |
| 1251                | 120      | 2251                | 60       | Extension for reply within first month                                     |       |
| 1252                | 450      | 2252                | 225      | Extension for reply within second month                                    | \$450 |
| 1253                | 1,020    | 2253                | 510      | Extension for reply within third month                                     |       |
| 1254                | 1,590    | 2254                | 795      | Extension for reply within fourth month                                    |       |
| 1255                | 2,160    | 2255                | 1,080    | Extension for reply within fifth month                                     |       |
| 1401                | 500      | 2401                | 250      | Notice of Appeal   |       |
| 1402                | 500      | 2402                | 250      | Filing a brief in support of an appeal                                     |       |
| 1403                | 1,000    | 2403                | 500      | Request for oral hearing   |       |
| 1451                | 1,510    | 1451                | 1,510    | Petition to institute a public use proceeding                              |       |
| 1452                | 500      | 2452                | 250      | Petition to revive - unavoidable   |       |
| 1453                | 1,500    | 2453                | 750      | Petition to revive - unintentional   |       |
| 1501                | 1,400    | 2501                | 700      | Utility issue fee (or reissue)   |       |
| 1502                | 800      | 2502                | 400      | Design issue fee   |       |
| 1503                | 1100     | 2503                | 550      | Plant issue fee  |       |
| 1462                | 400      | 1462                | 400      | Petitions to the Commissioner (CFR 1.17(f) Group I)                        |       |
| 1463                | 200      | 1463                | 200      | Petitions to the Commissioner (CFR 1.17(g) Group II)                       |       |
| 1464                | 130      | 1464                | 130      | Petitions to the Commissioner (CFR 1.17(h) Group III)                      |       |
| 1807                | 50       | 1807                | 50       | Processing fee under 37 CFR 1.17(q)  |       |
| 1806                | 180      | 1806                | 180      | Submission of Information Disclosure Stmt                                  |       |
| 8021                | 40       | 8021                | 40       | Recording each patent assignment per property (times number of properties) |       |
| 1809                | 790      | 2809                | 395      | For filing a submission after final rejection (see 37 CFR 1.129(a))        |       |
| 1814                | 130      | 2814                | 65       | Statutory Disclaimer   |       |
| 1810                | 790      | 2810                | 395      | For each additional invention to be examined (see 37 CFR 1.129(b))         |       |
| 1801                | 790      | 2801                | 395      | Request for Continued Examination (RCE)                                    |       |
| 1802                | 900      | 1802                | 900      | Request for expedited examination of a design application                  |       |
| 1504                | 300      | 1504                | 300      | Publication fee for early, voluntary, or normal pub.                       |       |
| 1505                | 300      | 1505                | 300      | Publication fee for republication  |       |
| 1803                | 130      | 1803                | 130      | Request for voluntary publication or republication                         |       |
| 1808                | 130      | 1808                | 130      | Processing fee under 37 CFR 1.17(i) (except provisionals)                  |       |
| 1454                | 1,370    | 1454                | 1,370    | Acceptance of unintentionally delayed claim for priority                   |       |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (4) \$ 450**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name Stephen M. De Klerk

Signature: \_\_\_\_\_

Date: September 20, 2005Reg. Number: 46,503Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450